IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.18443 of 2007

Between:
Smt.Dowluri Dhana Lakshmi

..... PETITIONER

AND
Andhra Pradesh State Road Transport Corporation,
Rep.by its Managing Director,
Musheerabad, Hyderabad and 3 others

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.18443 of 2007

ORDER:

This writ petition is filed by the petitioner, who is stated to be one of the occupant of the shop, aggrieved by the action of the respondents in sealing the shop, without any prior notice and proposing to conduct auction in respect of the said shop, as illegal and arbitrary and against the principles of natural justice.

According to the petitioner, he was allotted a shop for running backery, which is situated, within the premises of the bus station of Jangareddygudem. The said lease was granted in the year 2001 for a period of three years and it was again extended by another three years which is due to expire by 09.01.2008. But, however, according to the petitioner, the respondents have sealed the shop and proposing to auction the leasehold rights by publishing a notice. It is stated that as no prior notice was issued before taking possession and sealing the premises, the said action is illegal and without jurisdiction, and therefore, sought for appropriate orders.

On instructions, the counsel appearing for the respondents stated that notice was issued on 11.06.2007 and cancellation orders were passed on 17.08.2007 and the premises was taken possession and put the lock of the Corporation. Though it was proposed to conduct auction of the leasehold rights, since some of the belongings of the petitioner were still in the premises, the auction could be conducted. Therefore, it is stated that the petitioner has no right to claim to be in possession or

question the proposed auction of the leasehold rights of the shop.

Heard both sides and considered the material on record.

It is stated that admittedly the petitioner fell in arrears and committed default, therefore, a notice was issued on 11.06.2007 and after one month the premises was taken possession. Though the petitioner stated that some amounts were paid even after receipt of notice dated 11.06.2007, the same were received, according to the respondents, towards arrears that are due by the petitioner. The same would not come in the way of further action for the default committed by the petitioner. Under the above circumstances, the petitioner has no legal right to be in possession of the shop which was originally leased out to him, since he has committed default as a result of which after issuing prior notice, the premises was taken over by the respondent.

The Writ Petition is, accordingly, dismissed as devoid of merit. However, the respondents are directed that if any security deposit of the petitioner is lying with the respondents, which is over and above the arrears, the same may be refunded to the petitioner. No order as to costs.

_____

S.ANANDA REDDY.J

Dated:03.09.2007
Dsr